

REMARKS

Claims 8-14 are pending in the application.

Claims 8, 9, 13 and 14 are rejected under 35 U.S.C. §102(b) as being anticipated by Halemeier (U.S. Pat. No. 5,289,358).

Claims 10, 11 & 12 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 10 has been rewritten to include all the limitations of the base claim 8 thereby putting claims 10, 11 & 12 in condition for allowance.

Claim 8 has been amended to more clearly define the subject matter applicants regard as the invention. More specifically, amended claim 8 recites, among other aspects, that the main body of the lighting device includes "an upper part that includes the optics module, with the upper part being fixed to a lower part in tiltable relation about a horizontal axis for adjusting the optical axis, the horizontal axis being an axis independent from the pivoting means." Support for this amendment is found in FIG. 1 and paragraph [0018] of the Substitute Specification.

In this aspect, the optics module 30 of the present invention may be attached to the main body 20 via a pivoting means 40, which allows for the optics module 30 to be swung between an operating position and an opened maintenance position. A horizontal axis of rotation H and a vertical axis of rotation V may be provided in the lower part 26 for adjusting the optical axis O when the lighting device is supported in place for operation. The horizontal axis of rotation H and the vertical axis of rotation V may be used to set the polar and azimuth angles of the optical axis as described in paragraph [0021] of the Substitute Specification. These axes of rotation are independent of the pivoting means 40.

Halemeier discloses a recessed luminaire, which can be placed into cup-shaped holes in pieces of furniture, ceiling panels and the like. The device includes a first housing 12 and a second housing 32 that are connected by a joint 34, which allows the second housing 32 to swivel into and out of the first housing 12 as shown in FIGS. 1 & 2. The second housing 32 may be pivoted or swiveled about the joint 34 to adjust the illumination direction of the device. Applicants respectfully submit that Halemeier does not teach, disclose or otherwise suggest a lighting device as claimed in amended claim 8.

New claims 15 to 19 have been added to more clearly define the subject matter applicants regard as the invention. One aspect of the invention recited in new independent claim 16 is advantageous because it allows the optics module 30 to be maintained on site or removed for

remote maintenance services without varying the optical axis O of the optics module, which is set for use as described in paragraph [009] of the Substitute Specification. The invention as claimed in new claim 16 recites, among other aspects that an upper part of the main body is supported by a lower part of the main body so that the upper part is movable about at least one axis in relation to the lower part for adjusting an optical axis O. New claim 16 further recites means for locking the upper part in fixed relation to the lower part, which maintains the optical axis O in a fixed position. The locking means are described in paragraph [0021] of the Substitute Specification.

New claim 16 further recites a pivoting means for releasably attaching the optics module with the upper part without varying the optical axis O. The pivoting means may be a voluted hinge as shown in FIG. 4 for receiving corresponding pins of the optics module. In this aspect, the optics module may be easily removed without the need of tools while maintaining the optical axis O in its set position. This advantageously avoids the time-consuming readjustment of the lighting device when the lamp is changed or in the case of other maintenance tasks. Applicants respectfully submit that Halemeier does not disclose, teach or otherwise suggest the invention as claimed in new claims 15 to 19.

In view of the foregoing amendments and remarks, applicants respectfully request reconsideration of this application and allowance of claims 8 to 19.

Conclusion

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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